

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 80-251-E - ORDER NO. 80-723

December 22, 1980

IN RE: Small Power Production and Cogeneration)
Facilities-Implementation of Section 210) ORDER REQUIRING
of the Public Utility Regulatory) PREFILED TESTIMONY
Policies Act of 1978.)

This matter comes before the South Carolina Public Service Commission (hereinafter "the Commission") by way of the operation of certain provisions of Section 210 of the Public Utility Regulatory Policies Act of 1978 (hereinafter "PURPA"),¹ and certain rules and regulations promulgated thereunder.

Section 210 of PURPA, inter alia, directed the Federal Energy Regulatory Commission (hereinafter "FERC") to prescribe rules designed to encourage cogeneration and small power production by requiring certain affected electrical utilities to offer both to sell electrical energy to qualifying cogeneration facilities and qualifying small production facilities and to purchase electrical energy from such facilities. During February and March 1980, FERC issued certain rules pursuant to Section 210 which define the requirements for the qualification of cogeneration facilities and small power production facilities and delineated the guidelines for the determination of the special rates and terms for the purchase and sale of the electrical energy envisioned by Section 210 of PURPA.²

¹Pub. L. 95-617, 92 Stat. 3117 et seq. (19 U.S.C. §§ 2601 et seq.) (1978).

²See, 18 C.F.R. Part 292. See, FERC Docket No. RM79-54. See, also, FERC Docket No. RM79-55, Small Power Production and Cogeneration Facilities - Rates and Exemptions.

The FERC rules were effective on and after March 20, 1980, and require certain action by State regulatory authorities, including this Commission, within twelve months of that date.

By letter dated November 14, 1980, the Commission's Executive Director sent to the parties of record a Notice of Hearing, which set a hearing date for this matter on January 14, 1981 at 10:30 A.M. These parties of record were thereby required to publish one time, the enclosed Notice of Hearing, in newspapers of general circulation in the affected areas, and provide to the Executive Director proof of publication of the Notice on or before December 19, 1980. The Docket file herein indicates that affidavits of publication have been received, indicating compliance with this request.

In addressing the matter of prepared testimony and exhibits in a formal proceeding, R.103-869C of the Commission's Rules and Regulations provides, in pertinent part:

All parties of record, insofar as it is practicable, should pre-file with all other parties of record copies of prepared statements and exhibits which the party of record proposes to use during a hearing. In formal proceedings involving detailed and technical issues, the Commission may require any party and staff to file copies of exhibits within a specified time in advance of hearing.

In previous proceedings, the Commission has generally acknowledged the practical difficulties which compliance with a rigid application of the provisions of R.103-869C may impose on various parties of record and on the Commission Staff. Consequently, the Commission has traditionally encouraged, rather than mandated,

parties of record in complex, formal proceedings to prefile and serve prepared testimony and exhibits.³


In the instant proceeding, however, the Commission considers that the orderly and efficient administration of this proceeding will best be served by a requirement that the parties of record and the Commission Staff prefile with the Commission and serve on all parties of record the testimony and exhibits of the expert witnesses which such parties and the Commission Staff propose to offer to address the technical matters at issue herein. Such testimony should be filed and served on or before January 7, 1981.

IT IS THEREFORE ORDERED:

1. That all parties of record and the Commission Staff be, and hereby are, directed to file with the Commission and on all parties of record, the testimony and exhibits of technical or expert witnesses on or before January 7, 1981; that, further, twenty-five (25) copies of such testimony and exhibits should be filed with the Commission.

2. That this Order remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Vice Chairman

ATTEST:


Executive Director

(SEAL)

³See, Order No. 80-195, issued on April 8, 1980 in Docket No. 79-300-E, IN RE: Application of Duke Power Company, at p. 2 and the decision cited therein at fn. 2. See also, Order No. 80-505, issued on September 10, 1980, in Docket No. 80-69-E, IN RE: Application of Carolina Power & Light Company.